



# Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON  
Allan O'Shea  
VICE-CHAIRPERSON  
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Kathy Fenstermacher  
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Glenn Lottie  
Carl Rutske

CLERK

Marilyn Kliber  
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kaminski  
(231) 398-3500

DRAFT

## PUBLIC SAFETY COMMITTEE

Friday, January 4, 2008  
9:00 A.M.

Manistee County Courthouse & Government Center  
Board of Commissioners Meeting Room

### MINUTES

Members Present: Edward Haik, Chairperson; Allan O'Shea; and Carl Rutske

Others Present: Thomas Kaminski, County Controller/Administrator; Dale Kowalkowski, Sheriff; Kenneth Hilliard, Emergency Management Coordinator; J.R. Nelson, Animal Control Officer; Dane Krueger & Clara Kraus Saari, Representing the Animal Control & Rabies Enforcement Ordinance Ad Hoc Committee; and Rachel Nelson, Administrative Secretary

The meeting was called to order at 9:01 A.M.

### ITEMS NOT REQUIRING BOARD ACTION

Sheriff Kowalkowski handed out 2007 year end statistics for Law Enforcement (APPENDIX A) and Animal Control (APPENDIX B). The 2006 year end statistics for Law Enforcement and Animal Control will also be attached to these minutes, as well as the Jail Report (APPENDIX C). Note that on the Animal Control sheet, "TOT H.S." stands for "turned over to Humane Society". Sheriff Kowalkowski reported that he had received a letter from Filer Township's Incident Support Team. This team consists of five people, and they will go into a live fire situation for medical assistance. They would like to purchase a used patrol vehicle for \$1.00 to carry their equipment, making their response time faster since they wouldn't have to load a vehicle. Mr. Haik requested that Sheriff Kowalkowski send a letter to the Committee explaining the situation. It was also suggested that the County van at the Courthouse might be a possibility for this, and Sheriff Kowalkowski will discuss this option with Filer Township. Sheriff Kowalkowski also noted that Filer Township has eliminated its constable position, and they would like him to come to a meeting to see what services the Sheriff's Office will provide for them now.

Mr. Hilliard reported that the alarm system (panic buttons) should be fixed by next Friday. Mid-State found our radio, and it was already paid for, however the new system will be hardlined directly to 9-1-1.

Draft #6 of the Animal Control & Rabies Enforcement Ordinance (APPENDIX D) was reviewed. Sheriff Kowalkowski, Officer Nelson, and the Ad Hoc Committee recommended several changes.

1. ARTICLE II, Letter L - The "Vicious Animals" definition is vague. This term has already been defined by State law, so there is no need to define it in the ordinance.
2. ARTICLE II, Letter K - Do not include language about leash length.
3. ARTICLE II, ADD Letter P - Add a definition for the Sheriff's Office and their role.
4. Remove series of letters that have printed in the document.
5. ARTICLE III, Section 4 - Add that if a person moves to Manistee County, they have 45 days to transfer their dog license record to Manistee County. There is no fee for doing this. Perhaps this could be advertised on the tax bills that the Equalization Department does.
6. ARTICLE IX, Section 5 - This section should be removed because it deals with vicious animals. Under the law, if an animal is deemed "vicious" by the Courts, it will be destroyed. This section would allow people to say that they could keep the animal under the restrictions in the ordinance and avoid the Court system.
7. ARTICLE IX, Section 1 - Broaden the term "leader dog" to "registered service dogs" to include guidance dogs and helper dogs.
8. ARTICLE IV, Section 4 - Broaden the term "leader dog" to "registered service dogs" to include guidance dogs and helper dogs.
9. ARTICLE XIV, Section 1 & 2 - These two conflict as far as where the fees and monies are kept. Combine these two sections, and word it so that the fees and monies can be put into either the General Fund or a special fund for Animal Control, as determined by the Board of Commissioners. Note that this ordinance is not a good vehicle to generate extra revenue for Animal Control.
10. ARTICLE VIII, Section 1 - Add "cat" to a, b, c, and d.
11. Add Exhibit B and the fee schedule. These fees can be changed without changing the ordinance because of the wording in ARTICLE XIII, Section 4.

There is no need to have a public hearing since one was already held. That public hearing resulted in the Ad Hoc Committee being formed. The Public Safety Committee will have the County Prosecutor review the Draft #6 ordinance with the above changes, and come back to this issue at the February meeting. This ordinance will not need to be approved by each Township because it is already State law. After the ordinance is adopted, it's important that Animal Control continue to do a dog census in sections of the County each year.

In 2008, the Public Safety Committee will meet on the first Friday of each month at 9:00 A.M.

The meeting adjourned at 10:40 A.M.

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Edward Haik, Chairperson

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Allan O'Shea, Commissioner

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Carl Rutske, Commissioner

# APPENDIX A

## Manistee County Sheriff Station Daily Year To Date 2007

LAW ENFORCEMENT SERVICE YEAR END 63%

Date	1	2	3	4	5	6	7	8	9	10	11	12	
%LE	57%	55%	62.00%	61%	59.00%	61.00%	73.00%	68%	58.00%	67%	67.00%	64%	
Patrol	447.5	378.5	483.5	542	544.5	480	601	533	461	476	445.5	423.5	5816
Complaint	201.5	181	232	197	191.5	196.5	221.5	283.5	187.5	237.5	250	218	2597.5
Report Writing	180.5	185.5	260.5	268.5	346	213.5	265	276.5	188	233	244.5	246	2907.5
Court	165	133	129	140	190	150.5	145	158.5	134	72.5	100	112	1629.5
Transport	193	125.5	168	163	158	98	77	91	94.5	120.5	95.5	127	1631
Airport	77	41	42.5	34	39.5	34.5	25.5	40.5	32.5	36.5	47	52	502.5
ZTP	56.5	43	47.5	42	47	42	36	41	49	45	45.5	44	538.5
ACO	1.5			0.5		0	0	8.5	2.5	1	7.5	0	21.5
Inmate Services	29	58	29.5		8.5	44.5	35.5	22.5	37	34.5	31.5	26.5	357
Liquor Inspections				4	0.5	0	0	4	0	0	0	0	8.5
Civil Process	17	24.5	16.5	22	37.5	22.5	14.5	33.5	24	20	10.5	10	252.5
Community Policing	18	19	20	50	86	4	5.5	5.5	0	2.5	7	13	230.5
Training	24	99.5	49.5	71.5	119.5	127	2	19	143.5	16	36.5	48	756
Courthouse Security	45	65	110	100.5	67.5	52.5	73	102	105.5	133.5	98	68.5	1021
<b>Total</b>	<b>1455.5</b>	<b>1353.5</b>	<b>1588.5</b>	<b>1655</b>	<b>1836</b>	<b>1465.5</b>	<b>1501.5</b>	<b>1619</b>	<b>1459</b>	<b>1428.5</b>	<b>1419</b>	<b>1388.5</b>	<b>18169.5</b>
Verbal Warnings	151	136	144	124	132	149	197	128	109	140	100	114	1624
Traffic	59	35	56	63	82	87	113	113	83	63	56	36	846
Misd.	68	51	58	29	22	47	55	41	19	51	35	44	520
Felony	4	12	4	2	4	10	2	6	7	5	1	5	62
Courthouse Incidents	0												0
Liquor Inspections	0	2				1		2					5
Civil papers Served	40	76	71	49	78	58	35	75	58	55	33	19	647

## Manistee County Sheriff Station Daily Year To Date 2006

Date	1	2	3	4	5	6	7	8	9	10	11	12	
%LE	56%	60%	56.00%	52%	52.00%	59.00%	70.00%	62%	61.00%	66%	63.00%	63%	
Patrol	372	363.5	362	413.5	429	414	436	368	410	357	386	433.5	4743.5
Complaint	128	174.5	186.5	149.5	156.5	173.5	175.5	169	211.5	228.5	177	147.5	2079.5
Report Writing	181.5	200	185	199.5	180.5	145.5	217	190.5	202.5	272	179.5	164.5	2288
Court	164	189	106	198.5	111.5	145	105	116.5	172.5	103.5	125.5	180	1896
Transport	129	89	87.5	95	98.5	124	120.5	159.5	103.5	79	68	97	1250.5
Airport	57.5	52	55.5	59	61.5	58	53.5	60	50.5	52.5	55	51.5	666.5
ZIP	48	42.5	48	48	48	45	44.5	46	42.5	54	59.5	52.5	578.5
ACO	1	0	5	0	1.5	3		1		9	2.5	0	23
Domestic Services	25.5	18	15	18.5	16	16.5	2	15.5	25.5	28	19.5	34	232
Liquor Inspections	7	9.5	4.5	5	11.5	5	7.5	2.5	10.5	8	5	3.5	79.5
Civil Process	38	22	30.5	26	28	21.5	16.5	19	15.5	22.5	17	30.5	287
Community Policing	40.5	32	79	97	99.5	4	3.5	2	7	1	2	4.5	372
Training	8	36.5	140	112.5	229.5	84.5	2	19	64	35.5	28	49	806.5
Courthouse Security									33	44	50	44.5	171.5
<b>Total</b>	<b>1200</b>	<b>1198.5</b>	<b>1306.5</b>	<b>1390</b>	<b>1472.5</b>	<b>1239.5</b>	<b>1183.5</b>	<b>1165.5</b>	<b>1348.5</b>	<b>1292.5</b>	<b>1183.5</b>	<b>1292.5</b>	<b>16273</b>
Verbal Warnings	131	198	144	176	173	146	236	173	145	72	67	61	1722
Traffic	38	56	48	68	88	85	82	46	64	37	23	34	679
Misd.	29	50	55	42	62	39	78	78	67	28	28	25	579
Felony	1	2	5	12	1	4	8	7	2	9	8	5	84
Courthouse Incidents													0
Liquor Inspections	15	18	16	16	14	16	13	4	16	19	7	0	152
Civil Papers Served	75	60	85	66	52	52	42	70	67	64	61	72	768

**MANISTEE COUNTY ANIMAL CONTROL YEARLY  
REPORT FOR 2007**

COMPLAINTS:	773
IMPOUNDS:	232
DOGS IMPOUNDED:	199
CATS IMPOUNDED:	33
DOGS EUTHANIZED:	17
CATS EUTHANIZED:	11
DOGS CLAIMED:	61
CATS CLAIMED:	1
DOGS TOT H.S.:	101
CATS TOT H.S.:	18
ANIMALS ESCAPED:	1 (CAT)
BITE REPORTS:	69
CITATIONS:	175
VERBAL WARNINGS:	576
LICENSE SOLD:	4117

**2006 MANISTEE COUNTY ANIMAL CONTROL YEARLY  
REPORT:**

COMPLAINTS:	786
IMPOUNDS:	169
DOGS IMPOUNDED:	168
LIVESTOCK IMP:	1 (HORSE)
DOGS CLAIMED:	60
DOGS TOT HUM SOC:	88
DOGS EUTHANIZED:	15
SUMMONS ISSUED:	166
VERBAL WARNINGS:	323
DOG BITE REPORTS:	62
LICENSES SOLD:	4285 (2005 LICENSES SOLD// 3399)
KENNEL LICENSES:	11
MILAGE:	17852

SUBMITTED BY DEPUTY J.R. NELSON  
01-02-07

# APPENDIX C

## 2007 MONTHLY/ANNUAL LODGED AND RELEASE REPORT/MANISTEE COUNTY JAIL

MONTH	LODGED		TOTALS
	MALE	FEMALE	
JANUARY	95	18	113
FEBRUARY	80	15	95
MARCH	101	27	128
APRIL	96	24	120
MAY	110	25	135
JUNE	106	37	143
JULY	106	22	128
AUGUST	114	26	140
SEPTEMBER	91	22	113
OCTOBER	86	27	113
NOVEMBER	76	14	90
DECEMBER	80	24	104
2007 TOTALS	1141	281	1422

MONTH	RELEASED		TOTALS
	MALE	FEMALE	
JANUARY	85	18	103
FEBRUARY	79	18	97
MARCH	94	27	121
APRIL	89	26	115
MAY	118	22	140
JUNE	110	36	146
JULY	105	23	128
AUGUST	131	27	158
SEPTEMBER	83	22	105
OCTOBER	101	22	123
NOVEMBER	80	14	94
DECEMBER	75	28	103
2007 TOTALS	1150	283	1433

MONTHLY COMMISSIONERS REPORT FROM THE MANISTEE COUNTY JAIL

CURRENT POPULATION:	45
NUMBER OF MALES:	40
NUMBER OF FEMALES:	5
NUMBER OF FELONS:	25
NUMBER OF MISDEMEANANTS:	19
NUMBER OF CIVILS:	1
UNSENTENCED FELONS:	23
UNSENTENCED MISDEMEANANTS:	9
UNSENTENCED CIVILS:	0

JAIL PERCENTAGE FELONS:	55.56%
JAIL PERCENTAGE MISDEMEANANTS:	42.22%
JAIL PERCENTAGE CIVILS:	2.22%

<b>REVENUE (2007 TOTALS):</b>	
OUT COUNTY HOUSING:	\$ 122,628.00
SOCIAL SECURITY:	\$ 4,600.00
DIVERTED FELONS:	\$ -
PAROLE VIOLATORS:	\$ 11,795.00
LOCAL HOUSING AND MEDICAL:	\$ 7,614.00
<b>MONTHLY TOTALS:</b>	<b>\$ 146,637.00</b>

REPORTING MONTH AND YEAR:	ANNUAL, 2007
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REPORTING DATE:	1/4/2008
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APPENDIX D-1 | Recd. from Dane  
Kueger on 12/18/07.  
TR

(DRAFT 6)

**ANIMAL CONTROL  
ENFORCEMENT ORDINANCE  
County of Manistee, Michigan**

An ordinance relating to and providing for animal control within the boundaries of Manistee County; purpose of Ordinance; definitions; County Animal Control Officers, duties, authority, responsibilities, licensing and vaccination of dogs, confinement of dogs and other animals under certain circumstances; County Animal Shelter and impoundment of dogs and other animals and redemption of dogs and other animals impounded; killing and seizing of dogs and other animals.

THE PEOPLE OF THE COUNTY OF MANISTEE, MICHIGAN, DO ORDAIN:

**ARTICLE I - PURPOSE**

- 1 Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919, as amended, being Sections 287.261-287.293 of the Compiled Laws of 1948, and to create the position of Animal Control Officer and define its duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry; the County of Manistee, Michigan, does hereby adopt the following Ordinance:

**ARTICLE II - DEFINITIONS**

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- (a) **ANIMALS.** Unless otherwise stated, the word "Animal" as used in this ordinance shall include birds and mammals;
- (b) **LIVESTOCK** means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrows, goats, kids, hogs, swine, and furbearing animals being raised in captivity;
- (c) **POULTRY** means all domestic fowl, ornamental birds and game birds possessed or being reared under authority of a breeder's license pursuant to Act 191 of the Public Acts of 1919, as amended, being Sections 317.71 to 317.85 of the Compiled Laws of 1948.
- (d) **POLICE OFFICER** means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrests or to enforce the law, and includes game, fish or forest fire wardens and members of the State Police and Conservation Officers.
- (e) **ANIMAL CONTROL OFFICER** means any person employed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs and other animals as well as persons or deputies employed by the county to act in the Animal Control Division.
- (f) **OWNER** The term "owner" and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premises.  

The term "owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premises occupied by him.
- (g) **PERSON.** The word "person" shall include state and local officers and employees, individuals, corporations, co-partnerships and associations.

(h) **KENNEL.** The term "kennel" shall mean any establishment wherein or whereon dogs are kept for breeding, sale leasing, trading or sporting purpose. Any premise, building and/or structure within the boundaries of Manistee County, Michigan, wherein or whereon more than three (3) dogs or other mammals in any combination are kept, except a duly licensed pet shop, shall also be deemed to be a kennel except as provided in Article IV, Section 8 of this Ordinance.

(i) **RABIES SUSPECT ANIMAL.** The term "rabies suspect animal" shall mean any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.

(j) **POUNDMASTER: CHIEF, ANIMAL CONTROL SERVICES; DOG WARDEN** The terms "Poundmaster", "Chief, Animal Control Services", or "Dog Warden" are synonymous with "Animal Control Officer" and shall include the deputies of such person.

(k) **RUN AT LARGE.** The unrestrained wandering or roaming, or an animal other than a cat, on public property or the private property of other persons, or restrained wandering on a leash held by the owner if the leash is longer than six (6) feet.

(l) **VICIOUS ANIMALS.**

1. Any animal with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings;

2. which has previously attacked or bitten a human being or other domestic animal other than under the type of circumstances that would be justifiable;

3. which has behaved in such a manner that the owner thereof knows or should reasonably know, that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

The circumstances that would be justifiable in section 1, 2 and 3 above are those set forth in Section 1 (a)(i-v) of 1988 PA 426, being MCLA 287-321 and MSA 12.545 (21)

(m) **DAY** shall mean working days which shall include Saturday. It shall not include Sundays or holidays.

(n) **BOARD OF COMMISSIONERS** shall mean the Manistee County Board of Commissioners

- (o) **TREASURER** shall mean the Manistee County Treasurer.

**ARTICLE III - ANIMAL CONTROL OFFICER**  
**DUTIES, AUTHORITY AND RESPONSIBILITIES**

- Section 1. Animal Control Officers shall be appointed by the Sheriff of Manistee County and one shall be designated as Director of the Animal Control Department.
- Section 2. In lieu of all fees and other remuneration under the statutes of this state, Animal Control Officers, deputies and assistants, except census takers, shall be paid a wage as established and determined by appropriate resolution of the Board of Commissioners.
- Section 3. The Animal Control Officers shall fulfill the following duties:
- (a) An Animal Control Officer may promptly seize, take up and place in the animal shelter, all dogs or other animals, livestock, or poultry found running at large or being kept or harbored any place within the county contrary to the provisions of the Ordinance or the Statutes of the State.
  - (b) An Animal Control Officer, at the pleasure of the Sheriff, shall be properly deputized as a peace or police officer for the purposes of this Ordinance and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance.
  - (c) It shall be the duty of an Animal Control Officer, his deputies or assistants, to destroy in a humane manner, all impounded dogs or other animals which are not claimed and released within 72 hours if not licensed, or seven (7) days if licensed, or by limit set by State Law, after being impounded; provided, however, if in their judgment, said dog or other animal

is valuable or otherwise desirable for keeping, an Animal Control Officer, his deputies or assistants, may release said dog or other animal to any person who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of this Ordinance and the Statutes of the State, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter, or an Animal Control Officer, his deputies or assistants, may, at the expiration of the impoundment period, dispose of said dog or other animal as approved by the Ordinance. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the animal shelter or elsewhere in the county shall be disposed of by an Animal Control Officer, his deputies or assistants in a manner approved by the Manistee County Health Department and/or Public Safety Committee or the Board of Commissioners. Any animals voluntarily turned into the animal shelter by the owners thereof for disposition need not be kept for the minimum period of five (5) days before release or disposal of such animal is made by an Animal Control Officer, his deputies or assistants, as provided herein. All fees for disposal are the responsibility of the owner.

- (d) An Animal Control Officer shall promptly investigate all animal bite cases involving human exposure and shall search out and attempt to discover the animal involved and shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of this Ordinance and/or the statutes of the state. He shall also be obliged to seize and impound any rabies suspect animal, but not to include any wild animal.
- (e) An Animal Control Officer, his deputies or assistants are hereby authorized and empowered in accordance with the provisions of this Ordinance and an appropriate search warrant, to enter upon private premises for the purpose of inspecting same for the purpose of determining the harboring, keeping and possessing of any dog or dogs for the specific purpose of determining if the owner of said dogs have complied with the appropriate provisions of this Ordinance. The provisions of this subsection shall specifically include,

but not be limited to, investigation of or seizure for cruelty to animals

- (f) The Animal Control Officer shall have the right to inspect any kennel, with a license which has been issued by him pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if in their opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.
- (g) An Animal Control Officer shall have the right to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals.
- (h) An Animal Control Officer shall have the right to investigate the complaints of cruelty to dogs or other animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other animal, livestock or poultry which has been subject to such cruelty.
- (i) An Animal Control Officer shall have such other duties relating to enforcement of this ordinance as the Sheriff may from time to time provide.

Section 4. It shall be the further duties of the Animal Control Officers, deputies or assistants, to enforce the provisions of this Ordinance and the statutes of the state pertaining to dogs and other animals, and he or she may make complaint to the appropriate District Court or other appropriate court in regard to any violation thereof.

Section 5. An Animal Control Officer, deputies or assistants shall dispose of any animal, livestock or poultry seized, taken up and/or impounded as provided for herein; in accordance with the provisions of this Ordinance and/or the statutes of the state.

Section 6. All suspensions and/or revocations of licenses and all seizures for cruelty or

dangerousness as provided herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

- Section 7. Animal Control Officers, deputies or assistants are further authorized to carry a book of receipts properly numbered in sequence for accounting purposes, and may issue dog licenses as provided in this Ordinance and may issue such dog licenses in accordance herewith.
- Section 8. All fees and monies collected by the Animal Control Officer, his deputies or assistants as herein provided shall be accounted for and turned over to the Treasurer on or before the first of each and every month or more often if reasonably necessary under the standard practices of the Treasurer's accounting system.
- Section 9. **KENNEL INSPECTIONS**  
The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license.

#### **ARTICLE IV - LICENSING AND VACCINATION**

- Section 1. It shall be unlawful for any person to own any dog four (4) months old or over unless the dog is licensed as hereinafter provided, or to own any dog six (6) months old or over that does not at all times wear a collar with a tag approved by the Director of Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash, or for any person except the owner, to remove any collar and/or license from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs and other dogs, when accompanied by their owner while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.





(////////////////////) The license fee for any dog which has not been obtained in accordance with Paragraphs (a) and (b) above shall be considered delinquent and such license fee throughout the balance of each year shall be the sum as set by the current fee schedule.

[illegible]

Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Manistee County until the following March 1<sup>st</sup>.

**Section 5.** No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon proper notice in writing by the last registered owner, given to the County Treasurer, who shall note this transfer upon his/her records. This Ordinance does not require procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license tag is lost, it shall be replaced by the County Treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of the fact regarding the loss of such tag. The cost of said replacement shall be set by the current fee schedule, or as otherwise determined by rules and regulations of the Board of Commissioners.

Section 7. Any person who owns, keeps or operates a kennel may in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to **Manistee County Animal Control** for a kennel license entitling him to own, keep or

operate such kennel in accordance with the applicable laws of the state and the fee for same shall be in accordance with the laws of the state or as established by the rules and regulations for licensing fees by the Board of Commissioners.

Section 8. Any person who, at any one time, owns more than five (5) dogs in any combination, except a duly licensed pet shop, at any single location within the boundaries of Manistee County, may, on or before March 1<sup>st</sup> of the year following such ownership, obtain a kennel license from the County Treasurer if the person qualifies under Act 339, Public Acts of 1919, as amended. This section shall not apply to a litter of puppies when with the mother of such, so long as said dogs are less than four (4) months of age. Failure to obtain such kennel license shall be punished as set forth in the penalty provision of this Ordinance.

Section 9. KENNEL INSPECTIONS

#### **ARTICLE V - CONFINEMENT**

Section 1. Any dog or other animal kept as a pet that shall bite a person, animal, or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days following the biting of such person, animal or livestock. In the event that the owner of such animal shall fail to securely confine the animal for such period of time, then in that event, an Animal Control Officer, deputies or assistants, may take possession and custody of said animal, confine him at the animal shelter until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies. Said animal shall be kept at the animal shelter at the expense of the owner thereof in the event that the person charged with the duty to securely confine said animal as aforesaid shall fail to do so. Any dog or other animal running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten (10) days at the animal shelter in accordance with the provisions of this section, and thereafter disposed of in accordance with the provisions of this Ordinance, or such regulations as are in effect at the animal shelter.

- Section 2. Every dog and other animal shall at all times between sunset and sunrise of the following day, be confined upon the premises of its owner except when such dog or other animal is otherwise under the reasonable control of the owner.

## **ARTICLE VI - ANIMAL SHELTER AND**

### **IMPOUNDMENT**

- Section 1. All dogs found running at large **may** be seized by an Animal Control Officer, deputies or assistants, or other peace officers, and impounded for a period of not less than three (3) days if unlicensed, seven (7) days if licensed, and may thereafter be sold or disposed of if not claimed by the owner.
- Section 2. When dogs are found running at large, and their ownership is known to an Animal Control Officer, deputies or assistants, or other peace officers, such dog need not be impounded but an Animal Control Officer, deputies or assistants, or other peace officers may, at their discretion cite the owner of such dog to appear in court to answer charges of violation of this Ordinance.
- Section 3. Immediately upon impounding a dog or other animal, Animal Control Officers shall make every reasonable effort to notify the owner of such dog or other animal so impounded and inform such owner of the conditions whereby custody of such dog or other animal may be regained pursuant to the regulations for the operation of the animal shelter.
- Section 4. Any owner may redeem a dog from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the required fees.
- Section 5. The Board of Commissioners shall maintain an animal shelter for the purposes set forth herein.

## **ARTICLE VII - KILLING AND SEIZING**

- Section 1. Any person may kill any dog or animal which he sees in the act of pursuing, attacking or about to attack or wound any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog or other animal that enters any field or enclosure which is owned or leased by a person producing livestock or poultry, unaccompanied by his owner, shall constitute a private nuisance, and the owner or lessee of such field or other enclosure, or his agent or servant, may kill such dog or other animal while it is in the field or other enclosure without liability for such killing. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this state, including, by way of example, the safe discharge of firearms.
- Section 2. It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and to turn said dog or other animal over to the Animal Control Officer, his deputies or assistants.

## **ARTICLE VIII - CRUELTY TO ANIMALS**

- Section 1. It shall be unlawful for:
- (a) Any owner of any dog, livestock or poultry to fail to provide any dog, livestock or poultry with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and to withhold and not to give humane care and treatment.
  - (b) Any person to beat, cruelly treat, torment, overload, overwork or otherwise abuse any dog, livestock or poultry to cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.
  - (c) The owner of any dog, animal, livestock or poultry to abandon any such dog, animal, livestock or poultry for a period of longer than forty-eight (48) hours.
  - (d) Any person to crop a dogs ears, except a licensed veterinarian, who will issue a signed certificate that the operation is necessary for the dog's health and comfort, and in no event



Any dog, at any time, licensed or unlicensed, to destroy property, real or personal or to trespass in a damaging way on property of persons other than the owner.

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Any dog or other animal at any time, licensed or unlicensed, to attack or bite a person.

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Any dog to show vicious habits and molest passers-by when such persons are lawfully on the public highway or right of way.

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Any person to own any dog which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which such dog is kept, possessed or harbored.

[illegible]

Any livestock or poultry to run at large unaccompanied by its owner upon the premises of another or upon any public street, lane, alley or other public ground in the county unless otherwise specifically allowed.

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Any person to remove a collar or tag from any dog or other animal without the permission of its owner or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person or while on the property of its owner.

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Section 2. In the event of any such violations or of a violation of any other provision of this Ordinance or of the laws of the state, an Animal Control Officer, deputies or assistants or other peace officer may issue an appearance ticket, citation or summons to the owner of said dog, animal, livestock or poultry, or other summoning them to appear before a district court or other appropriate court within the county to answer the charges made in violation of this ordinance. The Animal Control Officer, deputies or assistants or other peace officer may sign a complaint before said court for violation of the provisions of this Ordinance, proceed to obtain the issuance of a warrant and make arrest of the person to whom said violation is charged and bring him before the court to answer the charges.

The Court may, in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

**Section 3.** In the event of any such violations or of a violation of any other provision of this ordinance or of the laws of the state, an Animal Control Officer, his deputies or assistants or other peace officer or any other person, may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the county and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948, as amended, to show cause why such dog, animal, livestock or poultry should not be killed. Upon such hearing the judge may either order the dog, animal, livestock or poultry killed, may order such dog, animal, livestock or poultry confined to the premises of the owner, or may make such other order regarding the dog, animal, livestock, or poultry as it deems proper and necessary under the circumstance, in addition to any of the penalties enumerated herein. This section shall in no way effect the provisions of Article III, Section 3 ©) of this Ordinance.

**Section 4.** Costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock or poultry and collected by the court from the person complained against upon a finding of guilty. The provision of this paragraph shall be in the alternative to the provisions for violations set forth in the preceding paragraph and Animal Control Officers, deputies or assistants or other peace officer may, at his discretion, proceed under either section thereof.

**Section 5.** The keeping of vicious animals shall be subject to the following standards:

- a. Leash and muzzle. No person shall permit a vicious animal to go outside of its kennel, pen or the owners residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such an animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to an inanimate object such as trees, posts, buildings, etc. In addition, all such animals on a leash outside of the animals kennel, pen

or the owners residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

- b. Confinement. All vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in paragraph (a) above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are with in the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded inground to a depth no less than two (2) feet. All structure erected to house such animals must comply with all zoning structure and building regulations of the city or township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter of said animal shall be totally enclosed within the confinement structure.
- c. Confinement Indoors. No vicious animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own violation. In addition no such animal may be kept in a house or structure where window screens, or screen doors are the only obstacle preventing the animal from exiting the structure.
- d. Signs. All owners, keepers or harborers of vicious animals within the county shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public from adjoining public roads or streets, using such words as "beware of dog", or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

## Section 2 Insurance Identification and Reporting Requirements

- a. Insurance. All owners, keepers or harborers of vicious animals must within ten (10) days of the effective date of this ordinance provide proof to the county of Manistee and its

Animal Control division at the Animal Shelter, of liability insurance in an amount of (\$500,000) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Animal Control officer at his business address.

b. Identification Photograph. All owners, keepers or harborers of vicious animals must within ten (10) days of the effective date of this ordinance provide the Animal Control officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

c. Reporting Requirements. All owners, keepers or harborers of vicious animals must within three (3) days of the following incidents report the same in writing to the Animal Control officer.

1. The removal from the county or death of a vicious animal.
2. The birth of offspring of a vicious animal.
3. The new address of a vicious animal should the owner move within the county limits.
4. The animal is on the loose, has been stolen or has attacked a person.

Section 3. Failure to Comply. If the owner, keeper or harborers of a vicious animal resident with the County of Manistee fails to comply with the requirements and conditions set forth in this Article and this entire Ordinance, said animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

#### **ARTICLE X - PENALTY**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine as scheduled in the attached Exhibit "A" or both such fine and imprisonment.

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## **ARTICLE XI - PRESERVATION OF CERTAIN RIGHTS**

- Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any peace officer or any other person, except as herein provided.
- Section 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by said dog or other animal.

## **ARTICLE XII - COUNTY TREASURER**

### **RECORDS AND DUTIES**

- Section 1. On April 1 of each year, the County Treasurer shall make a comparison of his/her records of the dogs actually licensed in the county with the report of an Animal Control Officer to determine and locate all unlicensed dogs.
- Section 2. On and after April 1 of each year, every unlicensed dog, subject to license under provisions of the Ordinance or the statute of the state, is hereby declared to be a public nuisance and the County Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his/her office of the supervisors and assessors, and shall deliver copies of such lists to Animal Control Officers and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being Section 287.277 of the Compiled Laws of 1948, as amended.
- Section 3. The County Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the county. Such record shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age and color of the dog licensed; and in case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. The Treasurer shall keep an accurate record of all license fees collected by



him/her or paid to him/her by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Animal Control Office, or lack of same, showing the name of the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

### **ARTICLE XIII - FEES AND EXPENSES**

Section 1. Every township and city treasurer of Manistee County, Michigan, **and veterinarians selling for Manistee County** shall receive the sum set by the current fee schedule, for each dog license issued for the issuance and recording of same. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council.

Section 2. The Animal Control Officers may annually make a census of the number of dogs owned by all persons in Manistee County, Michigan, in accordance with the state law. An Animal Control Officer is hereby empowered to employ whatever personnel he reasonably believes necessary to conduct his census. Such personnel shall receive for their services in listing such dogs such sum as shall be set from time to time by the Board of Commissioners.

Section 3. The duties and obligations herein imposed upon the respective designated officials may be delegated to some other appropriate person or persons by each of said officials with like force and effect.

Section 4. The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by the action of the Board of Commissioners.

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Section 5. All fees and expenses as herein provided for, shall be paid in accordance with Article XV of this Ordinance.

#### **ARTICLE XIV - RECEIPTS AND**

##### **DISBURSEMENT OF FUNDS**

Section 1. All fees and monies collected under the provisions of this Ordinance shall be transferred to the General Fund of Manistee County, Michigan, in accordance with the standard practices of the Treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the General Fund of Manistee County, Michigan.

Section 2. All fees and monies collected as a result of Animal Control actions, shall be put into a special account for Animal Control only.

#### **ARTICLE XV - CONSTRUCTION**

Section 1. When not inconsistent with the context words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 2. The regulations of this code are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and to the laws of the State of Michigan relating to public health. Where the provisions of this Ordinance conflict with state law or regulation, state law or regulation shall prevail.

Section 3. If any part of this Ordinance shall be held void, such part shall be deemed severable and



the invalidity thereof shall not affect the remaining parts of this Ordinance.

## **XVI RABIES CONTROL**

### **Section 1. DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply.

- 2 DOG: defined as a domestic dog of any age.
- 3 CAT: defined as any domestic cat of any age.
- 4 FERRET: defined as any ferret of any age.
- 5 OWNER: defined as a person who has the right of property ownership in a dog, cat, or ferret, who keeps or harbors a dog, cat, or ferret, or has a dog, cat, or ferret in his or her custody or care, or a person who allows a dog, cat, or ferret to remain on or about the premises occupied by a person. An owner does not include a veterinarian who keeps an animal on a temporary basis for medical care or treatment. Also, a boarding kennel operator is not considered an owner.
- 6 PERSON: defined as an individual, partnership, cooperation, association, governmental entity, or other legal entity.
- 7 VETERINARIAN: defined as a person licensed to practice Veterinary Medicine under article 15 of the public health code, ACT No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under the law of another state or federal authority that is applicable to that person.
- 8 QUARANTINE: defined as confinement of an animal either in a pen, kennel or home. The animal shall be on a leash anytime it is out of the quarantine area.

### **Section 2. RABIES CONTROL AUTHORITY**

Animal Control Officers or other Law Enforcement Officers are responsible for maintaining and enforcing this ordinance.

This ordinance requires that every dog four months of age or older shall be vaccinated against rabies by a certified veterinarian. Unvaccinated dogs acquired or moved into Manistee County must be vaccinated within thirty days of purchase or arrival unless under four months of age. Every dog four months of age or older shall be revaccinated within thirty days of their current rabies expiration date.

Manistee County shall utilize the "Compendium of Animal Rabies Prevention and Control", published by the National Association of State & Public Health Veterinarians (NASPHV) as standard principles and practice in rabies prevention and control. (see

Appendix A)

Section 3. FERRETS

Ferrets shall be vaccinated by twelve weeks of age and revaccinated within thirty days of their current rabies expiration date. This will be done yearly.

Section 4. DUTIES REQUIRED OF VETERINARIAN

It shall be the duty of each veterinarian at the time of vaccinating any dog or ferret, to complete a certificate of rabies vaccination (in triplicate) that included the following information.

- a. Owners name, address, and phone number
- b. Description of dog (breed, sex, age, and name)
- c. Date of vaccination
- d. Expiration date of vaccination
- e. Type of rabies vaccination administered
- f. Manufacturer serial number of vaccine
- g. Name, address and phone number of veterinarian
- h. Veterinarian's license number

An individual rabies vaccination number will be given to each animal that has been vaccinated. This number will be engraved on a metal or durable plastic tag that is required to be given to owners of animals by the veterinarian. This tag is to be worn by the animal at all times, and vaccination information must be available to provide to officers if requested.

Distribution of rabies certificates copies shall be, original to owner, second to Manistee County Animal Control, and the third will remain with the veterinarian.

Section 5. VACCINATION COSTS

The costs of rabies vaccinations shall be the responsibility of the owner or owners of any animal being vaccinated.

Section 6. REQUIRED IMPOUNDMENT AND QUARANTINE OF ANIMALS

Any dog suspected of being exposed to a potential case of rabies or any dog that has not been vaccinated or vaccination has expired, that has bitten or caused an abrasion to any person, shall be seized and quarantined at the Manistee County Animal Shelter for no less than a ten day period. If upon examination by a veterinarian, the dog does not show any signs of rabies it may be turned to the owner. Any expenses accumulated with impounding and boarding such animal will be the responsibility of the owner of the canine. In the case of a stray animal, it may be disposed of in accordance with the Manistee County Animal Control Enforcement Ordinance.

The owner or responsible party shall confine any dog that holds a current vaccination, which has bitten or caused an abrasion to a person, for a period of not less than ten days. If at the end of the ten-day period, the dog shown no signs of having rabies, it may be released from quarantine.

Section 7. **EXPOSURE FROM A POTENTIAL RABID ANIMAL**

A non-vaccinated dog or cat ( or dog or cat not current on its rabies vaccination) that is scratched or bitten by a known rabid animal should be euthanized. Its brain should be submitted for examination if there has been a human exposure. If the owner is unwilling to have this done, the dog or cat should be placed in strict confinement for six months and vaccinated one month prior to being released.

Any domestic animal that is definitely bitten or scratched by a bat or other wild animal (not available for testing) should be regarded as having been exposed to a rabid animal and handled as above.

A dog or cat with current rabies vaccination status that is bitten or scratched by a wild animal should be revaccinated immediately and observed by the owner for ninety days.

Domestic animals found with rabid animals, where it is not known whether the domestic animal was actually bitten or scratched, should be considered as an exposure.

**ARTICLE XVII - REPEAL**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**EXHIBIT "A"**

**MANISTEE COUNTY ANIMAL CONTROL  
CRIMINAL CHARGES AND FINES**

22221. Failure to Buy Dog License	\$	85.00 First Offense \$125.00 Second Offense \$150.00 Third Offense
22222. No Valid Rabies Vaccination	\$	85.00 Per Offense
22223. Dog Running at Large	\$	85.00 First Offense \$125.00 Second Offense \$150.00 Third Offense

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22224. No License on Dog	\$ 85.00 Per Offense
22225. Livestock/Poultry at Large	\$ 85.00 Per Offense
22226. Improper Shelter for Dog/Livestock	\$ 85.00 Per Offense
22227. Improper Tethering for Dog	\$ 85.00 Per Offense
22228. Barking Dog Violation	\$ 85.00 First Offense \$125.00 Second Offense \$150.00 Third Offense
22229. Animal Neglect/Cruelty	Comply With Michigan Statutes
22230. Dog Attacking/Annoying on Public Property or Right of Way	Comply With Michigan Statutes
22231. Unsecured Animal in Motor Vehicle	\$ 85.00 Per Offense

**EXHIBIT "B"**

**MANISTEE COUNTY ANIMAL CONTROL  
KENNEL INSPECTION FEES**

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**MANISTEE COUNTY ANIMAL CONTROL  
FEE SCHEDULE**

